

FIRST REGULAR SESSION

# HOUSE BILL NO. 123

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DOUGHERTY.

Pre-filed December 12, 2000, and 1000 copies ordered printed.

ANNE C. WALKER, Chief Clerk

0274L.011

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### AN ACT

To repeal section 207.020, RSMo 2000, relating to the division of family services, and to enact in lieu thereof one new section relating to the same subject.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 207.020, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 207.020, to read as follows:

207.020. 1. In addition to the powers, duties and functions vested in the division of family services by other provisions of this chapter or by other laws of this state, the division of family services shall have the power:

(1) To sue and be sued;

(2) To make contracts and carry out the duties imposed upon it by this or any other law;

(3) To administer, disburse, dispose of and account for funds, commodities, equipment, supplies or services, and any kind of property given, granted, loaned, advanced to or appropriated by the state of Missouri for any of the purposes herein;

(4) To administer oaths, issue subpoenas for witnesses, examine such witnesses under oath, and make and keep a record of same;

(5) To adopt, amend and repeal rules and regulations necessary or desirable to carry out the provisions of this chapter and which are not inconsistent with the constitution or laws of this state;

(6) To cooperate with the United States government in matters of mutual concern pertaining to any duties wherein the division of family services is acting as a state agency, including the adoption of such methods of administration as are found by the United States

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

17 government to be necessary for the efficient operation of state plans hereunder;

18 (7) To make such reports in such form and containing such information as the United  
19 States government may, from time to time, require, and comply with such provisions as the  
20 United States government may, from time to time, find necessary to assure the correctness and  
21 verification of such reports;

22 (8) To establish, extend and strengthen child welfare services for the protection and care  
23 of homeless, dependent and neglected children and children in danger of becoming delinquent;

24 (9) To expend child welfare service funds for payment of part of the cost of district,  
25 county or other local child welfare services;

26 (10) To administer state child welfare activities and develop state services for the  
27 encouragement and assistance of adequate methods of community child welfare organizations;

28 (11) To appoint, when and if it may deem necessary, advisory committees to provide  
29 professional or technical consultation in respect to welfare problems and welfare administration.  
30 The members of such advisory committees shall receive no compensation for their services other  
31 than expenses actually incurred in the performance of their official duties. The number of  
32 members of each such advisory committee shall be determined by the division of family services,  
33 and such advisory committees shall consult with and advise the division of family services in  
34 respect to problems and policies incident to the administration of the particular function germane  
35 to the respective field of competence;

36 (12) To initiate or cooperate with other agencies in developing measures for the  
37 prevention of dependency and the rehabilitation of needy persons;

38 (13) To collect statistics, make special fact-finding studies and publish reports in  
39 reference to public welfare;

40 (14) To establish or cooperate in research or demonstration projects relative to the  
41 welfare program, such as those relating to the prevention and reduction of dependency and  
42 economic distress, or which will aid in effecting coordination of planning between private and  
43 public welfare agencies, or which will help improve the administration and effectiveness of  
44 programs carried on or assisted under the federal Social Security Act and the programs related  
45 thereto;

46 (15) To provide appropriate public welfare services to promote, safeguard and protect  
47 the social well-being and general welfare of children and to help maintain and strengthen family  
48 life, and to provide such public welfare services to aid needy persons who can be so helped to  
49 become self-supporting or capable of self-care;

50 (16) Upon request, to cooperate with the juvenile court and furnish social studies and  
51 reports to the court with respect to children as to whom adoption or neglect petitions have been  
52 filed;

53           (17) To accept for social services and care, homeless, dependent or neglected children  
54 in all counties where legal custody is vested in the division of family services by the juvenile  
55 court where the juvenile court has acquired jurisdiction pursuant to subdivision (1) or (2) of  
56 subsection 1 of section 211.031, RSMo; provided that prior to legal custody being vested in the  
57 division of family services, the division of family services shall conduct an evaluation of the  
58 child, examine the child and investigate all pertinent circumstances of his **or her** background for  
59 the purpose of determining appropriate services and a treatment plan for the child. This  
60 evaluation shall involve local division staff and consultation with the juvenile officer or [his] **the**  
61 **officer's** designee, appropriate state agencies, including but not limited to the department of  
62 mental health and the department of elementary and secondary education, or private practitioners  
63 who are knowledgeable of the child or programs or services appropriate to the needs of the child  
64 and shall be completed within thirty days. Temporary custody may be placed with the division  
65 of family services while the evaluation is being conducted. A report of such proceedings and  
66 findings shall be submitted in writing to the appropriate court:

67           (a) The division may, at any time, if it finds the child placed in its custody is in need of  
68 care or treatment other than that which it can provide, apply to the court which placed such child  
69 for an order relieving it of custody of such child. The court must make a determination within  
70 ten days and the court shall be vested with full power to make such disposition of the child as  
71 is authorized by law, including continued custody;

72           (b) **The division may, prior to the child's eighteenth birthday, if it finds the child**  
73 **placed in its custody is in need of care or treatment beyond the child's eighteenth birthday,**  
74 **apply to the court which placed such child for an order extending custody of such child for**  
75 **good cause. The court must make a determination prior to the child's eighteenth birthday**  
76 **and the court shall be vested with full power to make such disposition of the child as is**  
77 **authorized by law, including continued custody beyond the child's eighteenth birthday;**

78           (c) However, no payments for care shall be made:

79           a. To facilities with which the division of family services has no contract to provide such  
80 care, or to facilities in the state of Missouri which are not licensed by the state of Missouri unless  
81 exempt from such licensure;

82           b. To any facility outside the state of Missouri unless the division of family services  
83 determines that there is no facility in the state of Missouri which can provide substantially  
84 equivalent care, except that this limitation shall not apply to any facility outside the state of  
85 Missouri if that facility is the closest available facility to the child's home or the division of  
86 family services determines that such placement is in the child's best interest; nor

87           c. To any facility outside the state of Missouri which is not licensed or exempted from  
88 licensure by the state in which it is located, or which cannot document that it meets requirements

89 which would be necessary for licensure in the state of Missouri. The term "care" shall include  
90 room, board, clothing, medical care, dental care, social services and incidentals;

91 (18) To accept gifts and grants of any property, real or personal, and to sell said property  
92 and expend such gifts or grants not inconsistent with the administration of this chapter and  
93 within the limitations imposed by the donor thereof;

94 (19) To make periodic surveys of cost-of-living factors in relation to the needs of  
95 recipients of public assistance, and establish standards or budgetary guides for determining  
96 minimum costs of meeting such requirements, and amend such standards from time to time as  
97 circumstances may require.

98 2. All powers and duties of the division of family services shall, so far as applicable,  
99 apply to the administration of any other law or state law wherein duties are imposed upon the  
100 division of family services acting as a state agency.